



MEMORANDUM

TO: Bob Klein, Chair, and Members of the
Alcoholic Beverage Control Board

DATE: January 23, 2018

FROM: Erika McConnell, Director

RE: 5101 Alaska's Bearclaw Lodge

Requested Action: License Renewal

Statutory Authority: AS 04.06.090(b): "The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title."

Staff Recommendation: Table the renewal to the April meeting to allow the City of Aleknagik time to determine how they wish to proceed

Background: In 2011, the City of Aleknagik held a vote on a local option to prohibit sales of alcohol except at an outdoor recreational lodge licensed by the ABC Board; the results were 25 in favor to 9 opposed. There are two outdoor recreational lodge licenses in Aleknagik.

AS 04.11.491(a)(2) permits a municipality to adopt a local option that prohibits the sale of alcoholic beverages except by one or more of the following license types: a restaurant or eating place, a beverage dispensary, a package store, a winery, or through a catering permit holder licensed as a beverage dispensary outside the municipality. A local option to only allow outdoor recreation lodges is not allowed under statute. Unfortunately a previous assistant attorney general in the Department of Law allowed the 2011 local option election to take place.

If the City of Aleknagik wishes to continue to allow licensed outdoor recreation lodges, the city will need to hold a local option election to allow all license types.

Alaska's Bearclaw Lodge holds a seasonal license and doesn't begin operations until May or June.

Attachments: City of Aleknagik local option ballot question
5101 Alaska's Bearclaw Lodge renewal application



STATE OF ALASKA
Department of Public Safety
Alcoholic Beverage Control Board
MEMORANDUM



To: John J. Burns, Attorney
General, State of Alaska

Date: June 23, 2011

Thru: Joseph A. Masters,
Commissioner, Department
of Public Safety

Telephone: (907) 269-0351

From: Shirley A. Gifford *SAG*
Director, ABC Board,
Department of Public Safety

Subject: Local Option Election for
Aleknagik

Today I received the official documents regarding a special election held in the City of Aleknagik on June 10, 2011. In accord with AS 04.11.509 I am immediately notifying you of the results of the election. The voters of Aleknagik voted 25 to 9 in favor of allowing the ABC Board to issue outdoor recreational lodge licenses.

I have attached copies of the Certification of Election-Ballot Proposition, the Report of Special Election Results, and the letter from the U.S. Department of Justice allowing for the special election.

If you have any questions please do not hesitate to contact me at (907) 269-0351 or shirley.gifford@alaska.gov. Thank you.

Cc: Richard Svobodny, Deputy Attorney General, Dept. of Law
John Skidmore, Director, Criminal Division, Dept. of Law
John Novak, Assistant Attorney General, Dept. of Law



STATE OF ALASKA
Department of Public Safety
Alcoholic Beverage Control Board
MEMORANDUM



To: Joseph A. Masters,
Commissioner, DPS

Date: June 23, 2011

Telephone: (907) 269-0351

From: Shirley A. Gifford *A a b*
Director, ABC Board

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If you have any questions please do not hesitate to contact me at (907) 269-0351 or shirley.gifford@alaska.gov. Thank you.

Cc: Terry Vrabeck, Deputy Commissioner
Keith Mallard, Director, AST
Gary Folger, Director, AWT
David Tyler, Director, State Fire Marshal
John Novak, Assistant Attorney General, Dept. of Law

**City of Aleknagik, Alaska
Report of Special Election Results**

The tally below is a true and accurate record of all regular votes cast in the Special Election held in the City of Aleknagik, Alaska on June 10, 2011.

PART I:

QUESTION:

"Shall the City of Aleknagik adopt a local option to allow the State of Alaska Alcoholic Beverage Control Board to issue licenses that will allow the sale of alcoholic beverages to:

- (1) Outdoor recreational lodge registered overnight guests for consumption at the outdoor recreational lodge;**
- (2) Outdoor recreational lodge off-duty staff for consumption at the outdoor recreational lodge;**
- (3) Outdoor recreational lodge registered overnight guests for consumption in conjunction with purchased outdoor recreational activities; and**
- (4) Outdoor recreational lodge off-duty staff for consumption in conjunction with purchased outdoor recreational activities?"**

25
Yes

9
No

PART II:

ACCOUNTING OF BALLOTS

Total Ballots Cast:

35

Total Regular Ballots Cast

29

Total Questioned Ballots Cast

0

Disposition: Accepted
Rejected

Total Absentee Ballots Cast:

6

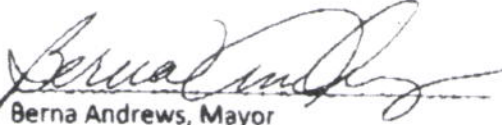
Disposition: Accepted
Rejected

Total Defective Ballots Cast:

Disposition: **Accepted**
Rejected

=====
=====

The canvass of the election was completed between the hours of 6:40 p.m. and 9:51 p.m. on June 16th, 2011.


Berna Andrews, Mayor


Jeri Alakayak, City Clerk

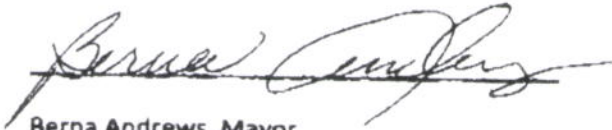
(City Seal)



CITY OF ALEKNAGIK, ALASKA
CERTIFICATE OF ELECTION-BALLOT PROPOSITION


THIS IS TO CERTIFY that on the 16th day of June, 2011, the ballot proposition relating to Local Option, a true and correct copy of which is attached hereto, was approved by the voters of the City of Aleknagik as confirmed by the City Council of the City of Aleknagik upon completion of the final canvass of ballots on the 16th day of June, 2011.

DATED at Aleknagik, Alaska 16th day of June, 2011.



Berna Andrews, Mayor

ATTEST:



Jeri Alakayak, City Clerk

(City Seal)





U.S. Department of Justice
Civil Rights Division

TCH:RSB:JBG:SHH:cv
DJ 166-012-3
2011-1674

Voting Section - NWB
950 Pennsylvania Avenue NW
Washington DC 20530

June 7, 2011

Ms. Jeri Alakayak
City Clerk
P.O. Box 33
Aleknagik, Alaska 99555

Dear Ms. Alakayak:

This refers to the procedures for conducting the June 10, 2011, special referendum election, for the City of Aleknagik, Alaska, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on April 28, 2011.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41 and 51.43.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Christian Herren, Jr.", written over a printed name and title.

J. Christian Herren, Jr.
Chief, Voting Section

Gifford, Shirley A (DPS)

From: Novak, John J (LAW)
Sent: Wednesday, March 02, 2011 4:13 PM
To: Higgins, Barbara J (CED)
Cc: Gifford, Shirley A (DPS); Clark, Timothy C (LAA)
Subject: Aleknagik Petition/Ballot Measure
Attachments: Aleknagik Petition.doc; Aleknagik Ballot Measure.doc

Barbara,

Attached is a proposed petition and ballot measure I have drafted that would allow the citizens of Aleknagik to decide whether they wish to continue the currently in effect prohibition of all sales of alcohol in their community or to change the law to allow only sales only by outdoor recreational lodges to their guests and off-duty staff.

I am hopeful you and the members of that community will find the documents useful. Please do not hesitate to again contact me if you have any further questions.

John Novak
Counsel for the Department of Public Safety

***Name and signature must be the same as the name used to register to vote.**

I, _____, personally circulated this petition. All signatures were gathered in my presence and I believe them to be the valid signatures of the persons whose names appear on this petition.

Date: _____ Signature: _____
Printed Name: _____

Aleknagik Ballot Measure

“Shall the City of Aleknagik adopt a local option to allow the State of Alaska Alcoholic Beverage Control Board to issue licenses that will allow the sale of alcoholic beverages to:

- (1) Outdoor recreational lodge registered overnight guests for consumption at the outdoor recreational lodge;**
- (2) Outdoor recreational lodge off-duty staff for consumption at the outdoor recreational lodge;**
- (3) Outdoor recreational lodge registered overnight guests for consumption in conjunction with purchased outdoor recreational activities; and**
- (4) Outdoor recreational lodge off-duty staff for consumption in conjunction with purchased outdoor recreational activities?”**

Please vote “YES” or “NO” on this question.

If a majority of the voters vote “YES” on this question, the State of Alaska Alcoholic Beverage Control Board will be empowered to issue licenses to outdoor recreational lodges in the City of Aleknagik to sell alcoholic beverages to registered guests and off-duty staff for consumption at the lodges or in conjunction with purchased outdoor activities.

If a majority of the voters vote “NO” on this question, all sales of alcoholic beverages in the City of Aleknagik will remain prohibited by law.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	The Bearclaw Group LLC	License #:	5101
License Type:	Outdoor Recreation Lodge - Seasonal	Statute:	AS 04.11.225
Doing Business As:	Alaska's Bearclaw Lodge		
Premises Address:	Mile 10, Lake Aleknagik, North Shore		
Local Governing Body:	City of Aleknagik		
Community Council:	None		

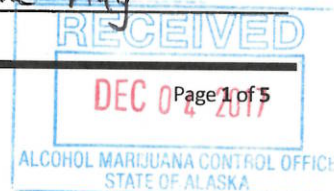
Mailing Address:	PO Box 21101				
City:	Waco	State:	TX	ZIP:	76702

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Point of Contact:	ROBERT Fuentes		
Contact Phone:	907-843-1605	Business Phone:	
Contact Email:	info @ bearclawlodge.com		

Seasonal License? Yes No

If "Yes", write your six-month operating period: June - Aug





Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 2 – Authorization

Communication with AMCO staff: _____ Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff? Yes No

If "Yes", disclose the name of the individual and the reason for this authorization:

LISA Fuentes

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate

Name:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an: applicant affiliate

Name:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					





Alaska Alcoholic Beverage Control Board
Form AB-17: 2018/2019 Renewal License Application

Section 4 - Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
 Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	797820
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL LF

This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official Name:	Lisa Fuentes				
Title(s):	Member	Phone:	254-749-8188	% Owned:	51
Mailing Address:	PO Box 21101				
City:	Waco	State:	TX	ZIP:	76702

Entity Official Name:	ROBERT Fuentes				
Title(s):	Member, MANAGER	Phone:	907-843-1605	% Owned:	47
Mailing Address:	PO Box 21101				
City:	Waco	State:	TX	ZIP:	76702

Entity Official Name:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	





Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:	2016	2017
The license was regularly operated continuously throughout each year, for 8 or more hours each day.	<input type="checkbox"/>	<input type="checkbox"/>
The license was regularly operated during a specific season each year, for 8 or more hours each day.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day <i>If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.</i>	<input type="checkbox"/>	<input type="checkbox"/>
The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years. <i>If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement.</i>	<input type="checkbox"/>	<input type="checkbox"/>

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2016 and 2017:	Yes	No
Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Alcohol Server Education

This section must be completed only by the holder of a beverage dispensary, club, or pub license or conditional contractor's permit. The holders of all other license types should skip to Section 8.

Read the line below, and then sign your initials in the box to the right of the statement: Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.





Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-17: 2018/2019 Renewal License Application

Section 8 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

RF

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

RF

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

RF

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

RF

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

[Handwritten Signature]

Signature of licensee

ROBERT Fuentes

Printed name of licensee

Brittany Soukup

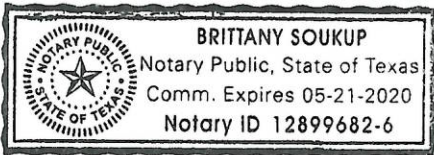
Signature of Notary Public

Notary Public in and for the State of

Texas

My commission expires: *May 21, 2020*

Subscribed and sworn to before me this *17th* day of *November*, 20*17*.



License Fee:	\$ 625.00	Application Fee:	\$ 200.00	TOTAL:	\$ 825.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

